THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.6062 of 2007

Between:

Smt.Gugulothu Mangamma.

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PETITIONERS

and

The Agent to Government/District Collector,
Khammam District and others.

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RESPONDENTS

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ORDER:

It is the case of the petitioner that her father acquired an extent of Ac.0-19 gts. in Sy.No.18 situated at Paloncha Village and Mandal, Khammam District. Out of the said land, an extent of Ac. 0-06 gts. was given to the petitioner by her father as Pasupukumkuma. It is stated that supplementary satwar was also issued in respect of the said land i.e., Ac.0-06 gts., in favour of the petitioner.

It is further stated that her father died leaving behind the petitioner alone as his legal heir.

On an application filed by one Dr.Kishore Babu, who is non-tribe, alleging that the said land of 0-15 gts., is required for the purpose of construction of a hospital, the said land was allotted in favour of Dr.Kishore Babu. Since he failed to fulfill the conditions imposed in alienating the said property, the said land was resumed by the Government.

It is stated that the petitioner made representation, dated 29-11-2005, to the 1st respondent to restore the land to an extent Ac.0-13 gts. in favour of the petitioner, as she is the only legal heir of late Lavudiya Somla and as the petitioner was already in possession of the land to an extent of Ac.0-06 gts., out of Ac.0-19 gts. The said representation has been enquired into and the 3rd respondent submitted his report dated 26-02-2007, to the District Collector, Khammam, stating that out of Ac.0-19 gts., an extent of Ac.0-15 gts. is under the occupation of one Kodali Kishore Babu and an Asbestos shed was constructed in the said land and one family was living in the shed, and an extent of Ac.0-02 ½ gts., is effected in R & B road widening and an extent of Ac.0-01 ½ gts., is vacant land. Therefore, the claim of the petitioner claming Ac.0-15 gts., is not genuine as per the records available and the possession on the ground. That was the only report submitted by the 3rd respondent to the

District Collector, Khammam.

If the said report is not correct or contrary to the facts and factual situation, it is for the petitioner to file objections to the District Collector, Khammam, by filing relevant documents in support of her evidence. If any such objections are filed before the District Collector, Khammam, it is for the District Collector, Khammam, to consider and dispose of the same. But, the course of action adopted by the petitioner questioning the said report in the writ petition may not be just and proper.

Accordingly, the writ petition is dismissed with a liberty to the petitioner to file objections to the report of the 3rd respondent, dated 26-02-2007, before the District Collector, Khammam. If any such objections are filed, it is for the District Collector, Khammam, to consider and dispose of the same, in accordance with law. There shall be no order as to costs.

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26-03-2007

Prv